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DAN ROBIN CATALANO and the  
Unnamed sailing vessel, Hull # CFZ0237TC700 &  
CF #0237TP

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

MORELLI TAYLOR SPORTFISHING & MARINE SUPPLY, LLC, a California Limited Liability Company d.b.a. LEO'S SPORTFISHING,  Plaintiff,  vs.  DAN ROBIN CATALANO, an individual, <i>in personam</i> , Unnamed Sailing Vessel, Hull #CFZ0237TC700 & CF #0237TP, <i>in rem</i> , and Does 1-100, inclusive  Defendants.	Case No.: C07-04947  <b>DECLARATION OF DON  KINNAMON IN SUPPORT OF  DEFENDANTS' MOTION TO  VACATE ORDER OF ARREST OR,  ALTERNATIVELY, TO SET THE  AMOUNT OF SECURITY FOR  RELEASE OF THE VESSEL</b>  Date: October 11, 2007 Time: 1:30 p.m. Courtroom: 8, 4 <sup>th</sup> Floor Hon. James Ware
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I, DON KINNAMON, hereby declare as follows:

1. I am currently the Senior Deputy Harbormaster for Santa Cruz Harbor and have been so since 2001. Prior to 2001 I was a Deputy Harbormaster since 1990. As Senior Deputy Harbormaster, I work at the Santa Cruz Harbor four days a week, 10 hours per day. My duties include enforcing law and order at the Harbor, conducting search and rescue operations, and attending to the administrative duties of the Harbor, including coordinating visitor berthing for transient (visiting) vessels. The matters set forth below are based upon my own personal knowledge and observation. If called to testify, I could

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FROM COX, WOOTTON, GRIFFIN, HANSEN&amp;POULOS, LLP (WED) 10.10'07 13:58/ST. 13:52/NO. 4861698097 P 3

- 1       and would competently testify to the statements made below.
- 2       2. On or about April 19, 2007, in my official capacity as the Senior Deputy Harbormaster, I  
3       observed the vessel at issue in this case being put into the water at Santa Cruz Harbor. I  
4       was present and observed the vessel being unloaded from a truck and placed into the  
5       water at the Aquarius Boatworks, a boatyard located at the middle of Santa Cruz Harbor.  
6       3. At the time the vessel was put into the water, the vessel's owner, Dan Catalano, requested  
7       that the Harbormaster assist in moving the vessel from the boatyard to the visitor's dock  
8       (where it could be temporarily berthed) because the vessel was inoperable and could not  
9       move under its own power. The Harbormaster agreed and I helped tow the vessel from  
10      the boatyard approximately 200 to 300 yards to the visitor's dock with the help of the  
11      harbormaster, Larry White, and another Deputy, using the Harbormaster's patrol boat.  
12      4. Since the vessel has been in the Harbor, I have seen work done topside and below decks  
13      and I have never seen the vessel move under its own power, either by sail or by motor. In  
14      approximately the middle of August, 2007, Mr. Catalano again requested a tow from the  
15      Harbormaster to move his vessel to another dock within the Harbor because the vessel  
16      could not move on its own. And, again in September, 2007, because the vessel still  
17      couldn't move on its own, the vessel was towed by the Harbormaster from its current  
18      location to and from either "D" or "E" dock (I can't remember which) where it had masts  
19      and rigging installed.

20  
21       I declare under penalty of perjury under the laws of the State of California and the  
22       United States that the foregoing is true and correct, and that this Declaration was executed on  
23       October 10, 2007, at Santa Cruz, California.



Don Kinnaman

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